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8 *Attorneys for Plaintiffs*

9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

11 ROCK N' ROLL FOODS, LLC, a Nevada
12 Limited Liability Company; RICHARD
13 "ROCKY" PARKS, an individual,

14 Plaintiffs,

15 v.

16 STEPHEN FRAZER, an individual; PIOTR
17 TOMISK, an individual; EMERGING
18 TECHNOLOGY CORPORATION, a Nevada
19 corporation, DOES I through X, inclusive; ROE
20 CORPORATIONS I through X, inclusive,

21 Defendants.

CASE NO.: 2:15-CV-00988-JAD-CWH


**MOTION AND PROPOSED ORDER TO
WITHDRAW AS COUNSEL OF RECORD**

22 ELAINE A. DOWLING, ESQ., respectfully moves this court for an order permitting
23 ELAINE A. DOWLING, ESQ. ("Ms. Dowling") who has appeared in these proceedings, to
24 withdraw as counsel for Plaintiffs, ROCK N' ROLL FOODS, LLC, and RICHARD "ROCKY"
25 PARKS in the above-captioned matter, pursuant to Local Rule IA 10-6, S.C.R 46, and N.R.C.P.
26 1.16(b)(1) and (7).
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1 This Motion is made and based upon the Memorandum of Points and Authorities submitted
2 herein, the Declaration of Elaine A. Dowling, Esq., attached hereto, the pleadings and papers on
3 file herein, and any argument at the hearing of this Motion to Withdraw as Counsel of Record.
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5
6 Dated this 15th day of September, 2017.

7
8 **EAD LAW GROUP, LLC**

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10 ELAINE A. DOWLING, ESQ.

11 Nevada Bar No. 8051

12 6671 S. Las Vegas Blvd., Suite 210

13 Las Vegas, NV 89119

14 *Attorney for Plaintiffs*

15 **MEMORANDUM OF POINTS AND AUTHORITIES**

16 Ms. Dowling is no longer employed as an attorney with Harold P. Gewerter, Esq.
17 Furthermore, Ms. Dowling was not retained to represent Rock N' Roll Foods, LLC, and Richard
18 "Rocky" Parks as outside counsel, in the above-captioned matter, or any other pending case or
19 matter before this Court on behalf of Rock N' Roll Foods, LLC and Richard "Rocky" Parks. The
20 Local Rule IA 10-6(a) provides that "No attorney may withdraw after appearing in a case except
21 by leave of court after notice served on the affected client and opposing counsel." Rock N' Roll
22 received notice of Ms. Dowling's intent to withdraw from this case, upon Ms. Dowling's final
23 week of employment with Gewerter in 2016. On June 26, 2017, Ryan Anderson, Esq., was
24 substituted in as counsel of record in place of Harold P. Gewerter, Esq. The opposing parties in
25 this case will receive notice of this Motion to Withdraw, pursuant to the Certificate of Service
26 herein.
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1 Additionally, Local Rule IA 10-6(e) provides that "no withdrawal...shall be approved if
2 delay of discovery, the trial, or any hearing in the case would result." Here, no delay of any kind
3 will result from Ms. Dowling's withdrawal because Plaintiffs Rock N' Roll Foods, LLC, and
4 Richard "Rocky" Parks remain and are represented in this matter counsel, having previously
5 appeared before this Court. Ms. Dowling's withdrawal will not prejudice either party or delay
6 any proceeding in this matter.
7

8 CONCLUSION

9 For the reasons set forth above, Ms. Dowling respectfully moves this Court to enter an
10 Order Approving the withdrawal of Ms. Dowling as a representing attorney for Rock N' Roll
11 Foods, LLC, and Richard "Rocky" Parks in the instant matter.
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13 Dated this 15th day of September, 2017.
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15 EAD LAW GROUP, LLC

16 
17 ELAINE A. DOWLING, ESQ.
18 Nevada Bar No. 8051
19 6671 S. Las Vegas Blvd., Suite 210
20 Las Vegas, NV 89119
21 Attorney for Plaintiffs

22 **IT IS SO ORDERED**

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25 Dated: 9/18/2017
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28 UNITED STATES MAGISTRATE JUDGE